

REMARKS

Claims 1-42 were pending in the present application. Claims 1-4, 11, 16, 19, 25, 27, 28, 34, 35, and 38 have been amended herein. Accordingly, claims 1-42 are currently pending. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Applicants have corrected several minor grammatical or typographical errors in the specification and claims. No new matter has been added.

The Examiner rejected claims 1-18 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 1 and 2 by replacing “may be” with “are,” and therefore respectfully request withdrawal of this rejection.

The Examiner rejected claims 1-2, 4-8, 11-14, 16-19, 22-27, and 29-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,987,774 (“Minshall”). The Examiner rejected claims 3, 20, 21, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Minshall in view of U.S. Patent No. 6,414,963 (“Gemar”). The Examiner rejected claims 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Minshall in view of U.S. Patent No. 7,116,680 (“Kramer”). The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Minshall in view of U.S. Patent Publication No. 2003/0189897 (“Einstein”). The Examiner rejected claims 40-42 under 35 U.S.C. § 103(a) as being unpatentable over Minshall in view of U.S. Patent Publication No. 2004/0047351 (“Del Prado Pavon”). Applicants respectfully traverse these rejections.

Independent claim 1 recites “placing the read message into one of a plurality of priority queues; and selecting a message from one of the plurality of priority queues for transmission

when a transmit opportunity is available.” Minshall does not teach or suggest these claim elements. For example, Minshall does not teach or suggest a “plurality of priority queues” used to hold a message selected from one of multiple message queues. At most, Minshall discloses one set of multiple queues 103. *See, e.g.*, Minshall, Fig. 2. Assuming, solely for the purposes of this argument, that Minshall’s queues 103 are message queues as recited by claim 1, then Minshall does not teach or suggest another set of priority queues for holding a message selected from one of the message queues. In other words, once Minshall’s group queue schedulers 205, 207 and 209 select messages from queues 103 and provide them to priority group scheduler 203, the messages apparently are placed in a single queue, not a “plurality of priority queues.” Accordingly, Applicants respectfully submit that claim 1 is patentable over the cited prior art.

Claims 2-18 depend from claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Independent claims 19 and 35 recite “a plurality of priority queues . . . , wherein each priority queue is used to store messages . . . according to a message’s assigned priority level; and a second scheduler . . . containing circuitry to select a message from one of the priority queues.” Minshall does not teach or suggest these claim elements. For example, Minshall does not teach or suggest a “plurality of priority queues” used to store messages selected from one of a plurality of traffic queues. At most, Minshall discloses one set of multiple queues 103. *See, e.g.*, Minshall, Fig. 2. Assuming, solely for the purposes of this argument, that Minshall’s queues 103 are traffic queues as recited by claims 19 and 35, then Minshall does not teach or suggest another set of priority queues for storing messages selected from one of the traffic queues. In other words, once Minshall’s group queue schedulers 205, 207 and 209 select messages from queues

103 and provide them to priority group scheduler 203, the messages apparently are stored in a single queue, not a “plurality of priority queues.” Accordingly, Applicants respectfully submit that claims 19 and 35 are patentable over the cited prior art.

Claims 20-34 depend from claim 19 and claims 36-42 depend from claim 35, and add further limitations to their respective independent claims. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Jim Brady, Applicants’ Attorney, at 972-917-4371, so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, to Deposit Account No. 20-0668.

Respectfully submitted,

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Date

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